

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation on the  
Commission's Own Motion to Implement the  
Biennial Resource Plan Update Following the  
California Energy Commission's Seventh  
Electricity Report.

Investigation 89-07-004  
(Filed July 6, 1989)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REQUESTING COMMENT ON WHETHER THE COMMISSION  
SHOULD MODIFY PAST DECISIONS ON ITS OWN MOTION IN  
ORDER TO CHANGE THE FORUM FOR CERTAIN PERIODIC FILINGS**

The Commission has directed the utilities to make periodic filings in this investigation. Prior to closing this proceeding, it is necessary to find alternative places to file such information. This ruling requests the parties to comment on (1) whether this ruling identifies all such filings, and (2) the proposed alternative filing forum. After receiving the comments, I anticipate the Commission will issue a decision modifying appropriate Commission decisions on its own motion to provide an alternative forum for filing the information.

**Monthly Report on Short Run Avoided Cost Energy Pricing**

Pursuant to Decision (D.) 97-05-021, the utilities file their monthly reports on short run avoided cost energy pricing in this investigation. Currently, I believe this is the only periodic filing still made in this investigation.

D.97-05-021, which modified the existing utility reporting requirements relating to incorporating qualifying facilities (QFs) into the utility system, also

requires the utilities to make the two additional filings listed below, but no filings appear to be made recently in this investigation.

- The Cogeneration and Small Power Production Semi-annual Report;
- The Negative Avoided Cost and Hydro Spill Condition Report.

Parties should comment on whether any filings other than on short run avoided cost energy pricing are still filed in this investigation and should set forth the decision number which directs that such filings be made.

### **Proposed Alternative Filing Forum**

Because the short run avoided cost calculations are now more formulaic and do not involve the exercise of discretion, this ruling proposes that the Commission modify D.97-05-021 on its own motion to provide that all future short run avoided cost energy pricing be filed with the Commission as advice letters rather than in this investigation. The utilities would continue to make their filings consistent with existing practice. (See e.g., D.97-05-021, Ordering Paragraph 8, directing the utilities to file their postings at the Commission within two business days after receipt of the appropriate published indices, and stating that prices will be effective as of the first day of the calendar month.) The service list for the advice letters would be the service list for Rulemaking 99-11-022, the proceeding dealing with short run avoided cost pricing and implementing Pub. Util. Code § 390.

### **IT IS RULED that:**

1. No later than May 23, 2002, parties should comment on whether this ruling identifies all periodic filings currently made in Investigation 89-07-004. If not, the parties should list (1) the omitted filings and the Commission decision

number directing that such filings be made; and (2) the proposed alternative filing forum.

2. Parties may file reply comments no later than May 31, 2002.
3. A copy of this ruling should also be served on the service list of Rulemaking 99-11-022.

Dated April 30, 2002, at San Francisco, California.

/s/ JANET A. ECONOME

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Janet A. Econome  
Administrative Law Judge

**CERTIFICATE OF SERVICE**

I certify that I have by mail this day served a true copy of the original attached Administrative Law Judge's Ruling Requesting Comment on Whether the Commission Should Modify Past Decisions on Its Own Motion in Order to Change the Forum for Certain Periodic Filings on all parties and on Rulemaking 99-11-022 of record in this proceeding or their attorneys of record.

Dated April 30, 2002, at San Francisco, California.

/s/ FANNIE SID

Fannie Sid

**N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.